

FILED

2015 JUL 31 PM 1:33

LYNN FAZZ
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85304

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

LANGUAGE INTERPRETERS AND
ACCESS TO COURTS BY PERSONS
WITH LIMITED ENGLISH PROFICIENCY

Administrative Order
2015-18
(Amending 2014-16)

WHEREAS, the United States Department of Justice has issued a letter of guidance to all State Court Administrators regarding Title VI requirements, a copy of which is attached as Exhibit A; and

WHEREAS, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and Executive Order 13166, 65 FR 50121 require that the Court have a Limited English Proficiency Plan / Language Access Plan ("LEP Plan" / "LAP Plan") and policies in place to implement the LEP / LAP Plan; therefore,

IT IS ORDERED:

1. The Amended LEP / LAP Plan is hereby adopted and attached as Exhibit B.
2. The Language Interpreters and Access to Courts by Persons with Limited English Proficiency Policy, attached as Exhibit C is hereby adopted.
3. The LEP / LAP Plan and Policy shall apply to the Superior Court, Adult Probation Department, Juvenile Court, the Clerk of the Superior Court, as well as Yuma County Justice Courts Precincts 1, 2, and 3, and is effective immediately.

DATED this 31st day of July, 2015.



Honorable John N. Nelson
Presiding Judge

Copies to:

Hon. John N. Nelson
Hon. Mark Wayne Reeves
Hon. John Paul Plante
Hon. Larry Kenworthy
Hon. David M. Haws
Hon. María Elena Cruz
Hon. Kathryn Stocking-Tate
Hon. Lisa W. Bleich
Hon. Stephen J. Rouff
Hon. Gregory S. Stewart
Hon. Yolanda V. Torok
Hon. Juan M. Guerrero
Hon. Russ Jones
Hon. Lynn Fazz, Clerk of the Superior Court
Margaret C. Guidero, Court Administrator
Kathleen M. Schaben, Trial Court Administrator
Tim Hardy, Director of Juvenile Court Services
Sandi L. Hoppough, Chief Adult Probation Officer
Cary W. Meister, Court IT Manager
Sherri L. Williams, Caseflow Manager
Martin Mendez, Court Operations Supervisor
Jill Ankerstein, Court Interpreter
Luz Hoyos, Court Interpreter
Jim Flory, Interim County Administrator
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
José de la Vara, Yuma Legal Defender
Shannon Gunderman, Conflict Administrator
Yuma County Bar Association



U. S. Department of Justice

Civil Rights Division

Assistant Attorney General

Washington, D.C. 20530

August 16, 2010

Dear Chief Justice/State Court Administrator:

In the past decade, increasing numbers of state court systems have sought to improve their capacity to handle cases and other matters involving parties or witnesses who are limited English proficient (LEP). In some instances the progress has been laudable and reflects increased recognition that language access costs must be treated as essential to sound court management. However, the Department of Justice (DOJ) continues to encounter state court language access policies or practices that are inconsistent with federal civil rights requirements. Through this letter, DOJ intends to provide greater clarity regarding the requirement that courts receiving federal financial assistance provide meaningful access for LEP individuals.

Dispensing justice fairly, efficiently, and accurately is a cornerstone of the judiciary. Policies and practices that deny LEP persons meaningful access to the courts undermine that cornerstone. They may also place state courts in violation of long-standing civil rights requirements. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) (Safe Streets Act), both prohibit national origin discrimination by recipients of federal financial assistance. Title VI and Safe Streets Act regulations further prohibit recipients from administering programs in a manner that has the effect of subjecting individuals to discrimination based on their national origin. *See* 28 C.F.R. §§ 42.104(b)(2), 42.203(e).

The Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI regulations. *See Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the point by directing federal agencies to publish LEP guidance for their financial assistance recipients, consistent with initial general guidance from DOJ. *See* 65 Fed. Reg. 50,121 (Aug. 16, 2000). In 2002, DOJ issued final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance). The DOJ Guidance and subsequent technical assistance letters from the Civil Rights Division explained that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI, the Safe Streets Act, and their implementing regulations. The federal requirement to provide language assistance to LEP individuals applies notwithstanding conflicting state or local laws or court rules.

Despite efforts to bring courts into compliance, some state court system policies and practices significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person's English language ability. Examples of particular concern include the following:

1. Limiting the types of proceedings for which qualified interpreter services are provided by the court. Some courts only provide competent interpreter assistance in limited categories of cases, such as in criminal, termination of parental rights, or domestic violence proceedings. DOJ, however, views access to *all* court proceedings as critical. The DOJ Guidance refers to the importance of meaningful access to courts and courtrooms, without distinguishing among civil, criminal, or administrative matters. *See* DOJ Guidance, 67 Fed. Reg. at 41,462. It states that "every effort should be taken to ensure competent interpretation for LEP individuals during *all* hearings, trials, and motions," *id.* at 41,471 (emphasis added), including administrative court proceedings. *Id.* at 41,459, n.5.

Courts should also provide language assistance to non-party LEP individuals whose presence or participation in a court matter is necessary or appropriate, including parents and guardians of minor victims of crime or of juveniles and family members involved in delinquency proceedings. Proceedings handled by officials such as magistrates, masters, commissioners, hearing officers, arbitrators, mediators, and other decision-makers should also include professional interpreter coverage. DOJ expects that meaningful access will be provided to LEP persons in all court and court-annexed proceedings, whether civil, criminal, or administrative including those presided over by non-judges.

2. Charging interpreter costs to one or more parties. Many courts that ostensibly provide qualified interpreters for covered court proceedings require or authorize one or more of the persons involved in the case to be charged with the cost of the interpreter. Although the rules or practices vary, and may exempt indigent parties, their common impact is either to subject some individuals to a surcharge based upon a party's or witness' English language proficiency, or to discourage parties from requesting or using a competent interpreter. Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin. As such, the DOJ Guidance makes clear that court proceedings are among the most important activities conducted by recipients of federal funds, and emphasizes the need to provide interpretation free of cost. Courts that charge interpreter costs to the parties may be arranging for an interpreter's presence, but they are not "providing" the interpreter. DOJ expects that, when meaningful access requires interpretation, courts will provide interpreters at no cost to the persons involved.

3. Restricting language services to courtrooms. Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well. Examples of such court-managed offices, operations, and programs can include information counters; intake or filing offices; cashiers; records rooms; sheriff's offices; probation and parole offices; alternative dispute resolution programs; *pro se* clinics; criminal diversion programs; anger management classes; detention facilities; and other similar offices, operations, and programs. Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom.

4. Failing to ensure effective communication with court-appointed or supervised personnel. Some recipient court systems have failed to ensure that LEP persons are able to communicate effectively with a variety of individuals involved in a case under a court appointment or order. Criminal defense counsel, child advocates or guardians *ad litem*, court psychologists, probation officers, doctors, trustees, and other such individuals who are employed, paid, or supervised by the courts, and who are required to communicate with LEP parties or other individuals as part of their case-related functions, must possess demonstrated bilingual skills or have support from professional interpreters. In order for a court to provide meaningful access to LEP persons, it must ensure language access in all such operations and encounters with professionals.

DOJ continues to interpret Title VI and the Title VI regulations to prohibit, in most circumstances, the practices described above. Nevertheless, DOJ has observed that some court systems continue to operate in apparent violation of federal law. Most court systems have long accepted their legal duty under the Americans with Disabilities Act (ADA) to provide auxiliary aids and services to persons with disabilities, and would not consciously engage in the practices highlighted in this letter in providing an accommodation to a person with a disability. While ADA and Title VI requirements are not the same, existing ADA plans and policy for sign language interpreting may provide an effective template for managing interpreting and translating needs for some state courts.

Language services expenses should be treated as a basic and essential operating expense, not as an ancillary cost. Court systems have many operating expenses – judges and staff, buildings, utilities, security, filing, data and records systems, insurance, research, and printing costs, to name a few. Court systems in every part of the country serve populations of LEP individuals and most jurisdictions, if not all, have encountered substantial increases in the number of LEP parties and witnesses and the diversity of languages they speak. Budgeting adequate funds to ensure language access is fundamental to the business of the courts.

We recognize that most state and local courts are struggling with unusual budgetary constraints that have slowed the pace of progress in this area. The DOJ Guidance acknowledges that recipients can consider the costs of the services and the resources available to the court as part of the determination of what language assistance is reasonably required in order to provide meaningful LEP access. *See id.* at 41,460. Fiscal pressures, however, do not provide an exemption from civil rights requirements. In considering a system's compliance with language access standards in light of limited resources, DOJ will consider all of the facts and circumstances of a particular court system. Factors to review may include, but are not limited to, the following:

- The extent to which current language access deficiencies reflect the impact of the fiscal crisis as demonstrated by previous success in providing meaningful access;
- The extent to which other essential court operations are being restricted or defunded;
- The extent to which the court system has secured additional revenues from fees, fines, grants, or other sources, and has increased efficiency through collaboration, technology, or other means;
- Whether the court system has adopted an implementation plan to move promptly towards full compliance; and
- The nature and significance of the adverse impact on LEP persons affected by the existing language access deficiencies.

DOJ acknowledges that it takes time to create systems that ensure competent interpretation in all court proceedings and to build a qualified interpreter corps. Yet nearly a decade has passed since the issuance of Executive Order 13166 and publication of initial general guidance clarifying language access requirements for recipients. Reasonable efforts by now should have resulted in significant and continuing improvements for all recipients. With this passage of time, the need to show progress in providing all LEP persons with meaningful access has increased. DOJ expects that courts that have done well will continue to make progress toward full compliance in policy and practice. At the same time, we expect that court recipients that are furthest behind will take significant steps in order to move promptly toward compliance.

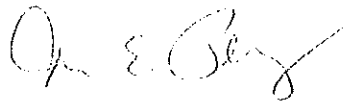
The DOJ guidance encourages recipients to develop and maintain a periodically-updated written plan on language assistance for LEP persons as an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans can provide additional benefits to recipients' managers in the areas of training, administering, planning, and budgeting. The DOJ Guidance goes on to note that these benefits should lead most recipients to document in a written LEP plan their language assistance services, and how staff and LEP persons can access those services. In court systems, we have found that meaningful access inside the courtroom is most effectively implemented in states that have adopted a court rule, statute, or administrative order providing for universal, free, and qualified court interpreting. In addition, state court systems that have strong leadership and a designated coordinator of language services in the office of the court administrator, and that have identified personnel in charge of ensuring language access in each courthouse, will more likely be able to provide effective and consistent language access for LEP

individuals. Enclosed, for illustrative purposes only, are copies of Administrative Order JB-06-3 of the Supreme Judicial Court of Maine, together with the September 2008 Memorandum of Understanding between that court and DOJ. Also enclosed for your information is a copy of "Chapter 5: Tips and Tools Specific to Courts" from DOJ, *Executive Order 13166 Limited English Proficiency Document: Tips and Tools from the Field* (2004).

The Office of Justice Programs provides Justice Assistance Grant funds to the states to be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs including prosecution and court programs. Funding language services in the courts is a permissible use of these funds.

DOJ has an abiding interest in securing state and local court system compliance with the language access requirements of Title VI and the Safe Streets Act and will continue to review courts for compliance and to investigate complaints. The Civil Rights Division also welcomes requests for technical assistance from state courts and can provide training for court personnel. Should you have any questions, please contact Mark J. Kappelhoff, Acting Chief, Federal Coordination and Compliance Section (formally known as Coordination and Review Section) at (202) 307-2222.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. E. Perez", with a stylized flourish at the end.

Thomas E. Perez
Assistant Attorney General

Enclosures

Superior Court and Justice Courts in Yuma County
(Amended July 2015)
Language Access Plan (LAP)

I. Legal Basis and Purpose

This document serves as the plan for the Arizona Superior Court in Yuma County and Yuma County Justice Courts to provide to persons with limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Superior Court and Justice Courts in Yuma County.

This language access plan (LAP) was developed to ensure meaningful access to court services for persons with limited English proficiency. Although court interpreters are provided for persons with a hearing loss, access services for them are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

II. Needs Assessment

A. Statewide

The State of Arizona provides court services to a wide range of people, including those who speak limited or no English. From a statewide perspective, the following languages were listed with the greatest number of speakers who spoke English less than “Very Well” in Arizona (according to Census report dated April 2013):

1. Spanish
2. Navajo
3. Chinese
4. Vietnamese

B. Superior Court and Justice Courts in Yuma County

The Superior Court and Justice Courts in Yuma County are responsible to provide services identified in this plan to all LEP persons. However, the following list shows the foreign languages that are most frequently used in this court’s geographic area.

1. Spanish
2. Korean
3. Vietnamese

This information is based on data collected from data maintained by Court Interpretation and Translation Services and invoices submitted for interpreter services.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

In the Superior Court and Justice Courts in Yuma County, interpreters will be provided in all courtroom proceedings at no cost to all LEP persons including witnesses, litigants, victims, parents, guardians, and family members of minors as well as any other person whose presence or participation is necessary or appropriate as determined by the judicial officer.

It is the responsibility of the private attorney, Public Defender or County Attorney to provide qualified interpretation and translation services for witness interviews, pre-trial transcriptions and translations and attorney/client communications during out of court proceedings.

2. Determining the Need for an Interpreter in the Courtroom

The Superior Court and Justice Courts in Yuma County may determine whether a court customer has limited English proficiency. Identification of language needs at the earliest point of contact is highly recommended. The need for a court interpreter may be identified prior to a court proceeding by the LEP person or on the LEP person's behalf by counter staff, self-help center staff, family court services, Limited Jurisdiction Courts staff, or outside justice partners such as Yuma County Adult Detention Facility staff, Defense Attorneys, County Attorneys, Victims Services, Probation Officers, Law Enforcement Officers, or Social Workers. The courts have a documented process to identify LEP needs for parties with notation in the physical or electronic case file.

Signage throughout the court building indicating that interpreter services are available may also help to identify LEP individuals. Signage that indicates availability of LEP assistance and interpreter services will be posted in the Yuma County Justice Center at the following locations: Reception Desk(s), Superior Court Clerk's Office, the Law Library, and the Judicial Assistance Unit (JAU). Signage will also be posted at the Yuma County Juvenile Justice Center, the Yuma County Adult Probation Department, as well as the Yuma County Justice Courts Precincts 1, 2 and 3.

The need for an interpreter also may be made known in the courtroom at the time of the proceeding. In a case where the court is mandated to provide an interpreter, but one is not available at the time of the proceeding, even after the court has made all reasonable efforts to locate one, as previously outlined in this plan, the case will be postponed and continued on a date when an interpreter can be provided.

3. AOC Interpretation Resources

Court Interpreter Registry and Listserv

The AOC maintains a statewide roster of individuals who indicate they have interpreting experience and have expressed interest in working in the courts. The court using interpreter services will determine the competence of the persons listed. This roster is available to court staff on the Internet at <http://www.interpreters.courts.az.gov>. Additionally, AOC created a statewide listserv to allow courts to communicate via email on court interpreter-related matters. The listserv is an excellent resource to locate referrals for specific language needs. Access codes and instructions to join the listserv may be obtained from the AOC Language Access contact person.

Video Remote Interpreting (VRI)

The AOC has installed video conferencing equipment at the State Courts building that will allow courts with compatible technology to remotely conference an interpreter from the Phoenix metro area or from another court jurisdiction into their court to improve resource allocation and reduce time and costs associated with interpreter travel. Contact the AOC LAP contact for more information on VRI connectivity and checklist for court proceedings most appropriate for video.

B. Language Services Outside the Courtroom

The Superior Court and Justice Courts in Yuma County are also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court services and programs outside the courtroom. Court services and programs include, but are not limited to, self-help centers, clerk offices, intake offices, intake officers, cashiers, and records room.

The court also is responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to all court-ordered services and programs. Court-ordered services and programs include, but are not limited to, conciliation, mediation, arbitration, treatment or educational programs provided by a court employee or a private vendor under contract with the court. Contracts with vendors that provide direct services to court users must include the requirement that the vendor provide language services, including interpreters, for all LEP individuals.

The court uses the following resources to facilitate communication with LEP individuals and court staff or providers of court-ordered services:

- Staff court interpreters or independent interpreter contractors;
- Bilingual employees;
- Bilingual volunteers;
- "I Speak" cards, to identify the individual's primary language;
- Written information in Spanish on how to access and navigate the court;
- Multilingual signage throughout courthouse locations in the following languages:
 - ✓ Spanish
- Telephonic interpreter services, (from contract interpreters or Language Line Services); and,
- A public court phone line with key instructions provided in Spanish to request court services.
- Video remote interpreting services

To provide linguistically accessible services for LEP individuals, the Superior Court and Justice Courts in Yuma County provide the following:

- Self-help center services that include: bilingual self-help center staff;
- Parent Information Program sessions offered in Spanish;
- Bilingual family court services mediation support staff and interpreters for custody and visitation matters; and
- Written informational and educational materials and instructions in Spanish.
- Website links from court's website to the Supreme Court's Spanish translated webpage for court forms and instructions
- The court's LAP and complaint form and process available online.
<http://www.yumacountyaz.gov/government/courts/superior-court/self-service-center>
<http://www.azcourts.gov/selfservicecenter/SelfServiceForms.aspx#ComplaintForm>

C. Court Appointed or Supervised Personnel

The Superior Court and Justice Courts in Yuma County also shall ensure that court appointed or supervised personnel, including but not limited to child advocates, guardians ad litem, court psychologists and doctors provide language services, including interpreters, as part of their service delivery system to LEP individuals.

D. Translated Forms and Documents

The Arizona courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The Superior Court and Justice Courts in Yuma County currently use forms and instructional materials translated into Spanish. Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case.

- The court has translated various vital documents available in Spanish. (*Also see E.*)
 - ✓ Fee Waiver and Deferral Forms-Spanish
 - ✓ How to Collect a Judgment Forms-Spanish

Documents and links to documents will be located at:

The Yuma County Justice Center Law Library

250 W. 2nd Street; Yuma, AZ 85364 or on the Court Web site:

<http://www.yumacountyaz.gov/government/courts/superior-court/self-service-center>

And

The Yuma County Justice Court Front Counters

JP#1: 250 W. 2nd Street; Yuma, AZ 85364

JP#2: 1358 E. Liberty Street; San Luis, AZ 85349

JP#3: 10620 Dome Street; Wellton, AZ 85359 or on the Court Web site:

<http://www.yumacountyaz.gov/government/courts/justice-courts>

E. Websites/Online Access (Forms)

- Arizona Supreme Court's Spanish-translated webpage at <https://www.azcourts.gov/elcentrodeautoservicio/>
- Maricopa County Self-Service Forms available in Spanish: <http://www.superiorcourt.maricopa.gov/superiorcourt/self-servicecenter>

IV. Court Staff and Volunteer Recruitment

A. Recruitment of Bilingual Staff for Language Access

The Superior Court and Justice Courts in Yuma County are equal opportunity employers and recruit and hire bilingual staff to serve its LEP constituents. Primary examples include but are not limited to:

- Court interpreters to serve as regular full-time or part-time employees or regular interpreter contractors of the court.
- Bilingual staff to serve at public counters and or self-help centers; and
- Bilingual staff available on call to assist with contacts from LEP individuals, as needed.

B. Recruitment of Volunteers for Language Access

The court also recruits and uses volunteers and interns to assist with language access in the following areas:

- In self-help centers, to assist LEP users;
- Judicial Assistance Unit;
- Conciliation Court Services;
- At public counters to provide language services for LEP court users.

V. Judicial and Staff Training:

The Superior Court and Justice Courts in Yuma County are committed to providing language access training opportunities for all judicial officers and staff members. Training and learning opportunities currently offered will be expanded or continued as needed.

- Interpreter coordinator training;
- LAP training for all court staff;
- Diversity Training;
- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.
- Staff is encouraged to enroll in Spanish classes offered at local colleges and to apply for tuition reimbursement.
- AOC's Language Access in the Courtroom Training DVD
- AOC'S Language Access Online Training Videos

VI. Public Outreach and Education

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available to all language speakers, the Superior Court and Justice Courts in Yuma County provide community outreach and education and seeks input from its LEP constituency to further improve services. Outreach and education efforts that will be developed include:

- Public service press releases in English and Spanish provided periodically through newspapers or the Court Web site;
- Flyers in English and Spanish providing information on the services offered by the court; the

- availability of self-help center services and public workshops (if any); and,
- Partnerships and collaborations with Community Legal Services and the Yuma County Bar Association to provide a court presence in the LEP community.
- The court will solicit input from the LEP community and its representatives through meetings and will seek to inform community service organizations on how LEP individuals can access court services.

VII. Formal Complaint Process

If an LEP court customer believes meaningful access to the courts was not provided to them, they may choose to file a complaint with the trial court's Language Access Plan Coordinator.

How to file a complaint:

- Request a Complaint Form at any counter in the Yuma County Justice Center including Reception, Clerk's Office, Justice Court Precinct 1, Law Library and Judicial Assistance Unit. Complaint Forms are also available at the Yuma County Juvenile Justice Center and the Yuma County Adult Probation Department, Justice Court Precinct 2 or 3 OR print the Complaint Form from the Web site.
<http://www.azcourts.gov/selfservicecenter/SelfServiceForms.aspx#ComplaintForm>
- Complete the Complaint Form and hand deliver, mail or email to the Language Access Coordinator (Name, address and phone number are all provided at the end of this plan).
- Each complaint will be fully investigated and the records will be maintained as public records.
- The Complainant will receive an initial response within (10) working days from receipt of the complaint.
- If the complaint is not resolved to the satisfaction of the Complainant, the matter will be referred to the Presiding Judge, or designee, for review. This decision will be rendered within 30 calendar days of receipt of the request for review. The decision is final.
- *The complaint form (in both English and Spanish) is attached to the LAP.*
- *As mentioned above, the translated versions of the complaint form are available in multiple locations, including, but not limited to:*
 - *Electronic forms on the court's Web site and,*
 - *Hard copy forms available at public counters.*

VIII. Public Notification and Evaluation of LAP

A. LAP Approval and Notification

The Superior Court and Justice Courts in Yuma County's LAP is subject to approval by the presiding judge and court executive officer. Upon approval, please forward a copy to the AOC Court Services Division. Any revisions to the plan will be submitted to the presiding judge and court executive officer for approval, and then forwarded to the AOC. Copies of Superior Court and Justice Courts in Yuma County's LAP will be provided to the public on request and will be posted on the court's Web site.

B. Evaluation of the LAP

The Superior Court and Justice Courts in Yuma County will routinely assess whether changes to the LAP are needed. The plan may be changed or updated at any time but reviewed not less frequently than once a year.

Each year, the court's Trial Court Administrator will review the effectiveness of the court's LAP and update it as necessary. The evaluation will include identification of any problem areas and development of corrective action strategies. From time to time, the court may consider using a survey sampling of data collection for a limited time period which involves assessing language access requests to assist in the evaluation of the LAP.

Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Solicitation and review of feedback from LEP communities within the county;
- Assessment of whether court staff adequately understand LEP policies and procedures and how to carry them out;
- Review of feedback from court employee training sessions; and,
- Customer satisfaction feedback as indicated on the Access and Fairness Survey, if administered by the court during this time period.
- Review of any Language Access Complaints received during this time period.

C. Trial Court Language Access Plan Coordinator:

Kathleen M. Schaben, Trial Court Administrator
250 W. 2nd Street
Yuma, AZ 85354
(928) 817-4090, KSchaben@courts.az.gov

D. AOC Language Access Contact:

Amy Wood
Court Services Division
Administrative Office of the Courts
1501 W. Washington Street, Suite 410
Phoenix, AZ 85007
(602) 452-3337, AWood@courts.az.gov

E. LAP Effective date: August 1, 2015

F. Approved by:

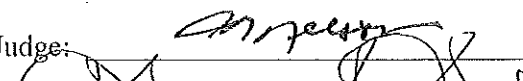
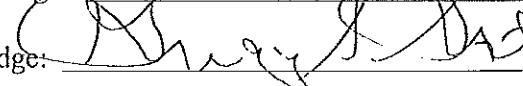
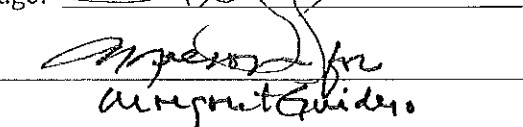
Presiding Superior Court Judge:  Date: 7/31/15
Presiding Justice Court Judge:  Date: 7/31/15
Court Administrator:  Date: 7/31/15
August 1, 2015

EXHIBIT C

Language Interpreters and Access to the Courts Policy

Pursuant to the Superior Court and Yuma Justice Courts in Yuma County Language Access Plan signed on 1/3/12 and subsequently amended on 11/12/13 and 7/25/14, the court is committed to providing language access to all court users at no cost to the parties.

Currently, the Superior Court and Yuma Justice Courts in Yuma County have a staff of three Spanish Interpreters. Spanish⇌English services that can't be provided by staff will be provided by contract interpreters. Contract interpreters will provide services for all other languages. Under normal circumstances, at least one week's notice is requested for Spanish interpreter services. Two weeks' notice is requested for all other languages.

- The court identifies criminal defendants who require interpreter services in the AJACS Case Management System.
- Attorneys must inform the court of services required for victims and witnesses.
- Attorneys must inform the court of services required for Domestic Relations and Civil cases

If an interpreter cannot be secured for proceedings involving Limited English Proficiency (LEP) court users due to inadequate notice or lack of availability of qualified interpreters, the following alternative action may be taken.

- Language Line Service (Telephonic Interpreter Services) can be used to conduct the hearing if the judge determines that this service is appropriate for the hearing.
- The proceeding will be continued and arrangements will be made for services for the next court date.
- If the parties appear in court for a Domestic Relations or Civil case with an interpreter(s) not approved as qualified for Superior Court and the Justice Courts in Yuma County, the parties may agree to proceed with judge approval. Prior to any stipulation to proceed, it should be made clear to the parties that either party can elect to continue the proceeding to receive an interpreter provided by the court, at no cost.
- In order to make reasoned decisions based on the accurate interpretation of testimony, the use of untrained interpreters and family members is strongly discouraged. Bilinguals (including non-interpreter staff) without appropriate training are unfamiliar with terminology in the target language; court protocol; modes of interpretation; and interpreter codes of ethics. Untrained bilinguals may not recognize conflicts of interest and are typically unable to provide a complete rendition of all communications.

Interpreter Services Priorities

In Court

1. Requests for and Hearings on:
 - Orders of Protection
 - Injunctions against Harassment
 -
2. Mental Health Hearings
3. Juvenile Delinquencies and Dependencies
4. Criminal Trials and Hearings
5. Forcible Detainer Hearings
6. Title IV-D Child Support Hearings
7. Default Divorce Hearings

Hearings on the following three case types (8, 9, and 10) have similar priority levels and must be evaluated on a case by case basis.

8. Domestic Relations
9. Guardianships/Conservatorships
10. Probate
11. Civil Cases

Out of Court

12. Conflict Administrator Attorneys Interviews-Jail
13. Conflict Administrator Attorneys Interviews-Office
14. Conciliation Court Mediation and Counseling Sessions

How to Obtain Services

Contact the Court Interpreters Office at:

- (928) 817-4092
 - (928) 817-4051
 - (928) 817-4069
 - (928) 817-4090
- OR
- Email your request to: yumaci@courts.az.gov

(Court Name)

Language Access to Court Services Complaint Form

The court may be required to provide interpreters at no cost for court users, including litigants, victims, and witnesses who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. If you believe you have not been provided effective language assistance for any court or probation proceeding or other service provided by the court, please complete this form and return it to: _____

(Address of Court)

The submission of a complaint will NOT affect the outcome of any court matter.

The court will address your concerns within a reasonable time not exceeding 30 days after submission of this form.

THIS FORM IS AVAILABLE IN OTHER LANGUAGES UPON REQUEST.

PLEASE COMPLETE:

Today's Date: _____

First Name: _____

Last Name: _____

Address: _____

City/State/Zip: _____ / _____ / _____

Home Telephone: (_____) _____ - _____

Mobile Phone: (_____) _____ - _____

Email Address: _____

Primary Language: _____

Date of Incident: _____

What problem did you have with language assistance?

- ☐ The court did not provide an interpreter
- ☐ The interpreter did not interpret correctly or did not speak my language
- ☐ Other- please describe:

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Complaint Form - Spanish

(Nombre del Tribunal)

FORMULARIO DE QUEJA Servicios de Traducción e Interpretación

Para garantizar la participación en las diligencias y los servicios judiciales, se le proveerá un intérprete sin costo alguno a las personas tales como litigantes, víctimas, ofendidos y testigos que no hablen el inglés como idioma principal o a aquellos que no sepan escribir, leer, entender o hablar el inglés. Si Ud. cree que no le han facilitado servicios de interpretación en el tribunal, o para gozar de los servicios de régimen a prueba, por favor, llene este formulario y envíelo a: _____

*Ninguna causa pendiente se verá afectada por haber sometido una queja.
Este tribunal tratará de abordar su queja en un plazo de 30 días después de haberla sometido.*

PUEDE OBTENER ESTE FORMULARIO EN OTROS IDIOMAS SI LO SOLICITA

LLENE LOS ESPACIOS EN BLANCO:

Fecha: _____

Nombre: _____ Apellido(s): _____

Dirección: _____ Ciudad/Estado/C.P.: _____ / _____ / _____

Teléfono: (_____) _____ - _____ Celular: (_____) _____ - _____

Correo electrónico: _____

Idioma principal: _____

¿En qué fecha sucedió el incidente? _____

Explique cuál fue el problema:

- ☐ El tribunal no me proporcionó un intérprete
- ☐ El intérprete no interpretó de manera adecuada o no hablaba mi idioma.
- ☐ Otro motivo; anote los detalles:

La fracción 601 del Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. 2000d reza lo siguiente: "A ninguna persona presente en los Estados Unidos se le privará del derecho de participar, ni se le negarán beneficios, ni estará sujeta a la discriminación debido a su raza, etnia u origen, de ningún programa o actividad que reciba fondos federales."

Complaint Form - Vietnamese

(Tên Tòa Án)

Mẫu Đơn Khiếu Nại về Việc Tiếp Cận Ngôn Ngữ cho Dịch Vụ Tòa Án

Tòa án có thể được yêu cầu phải cung cấp các thông dịch viên miễn phí cho những người sử dụng dịch vụ của tòa án/[những người tham gia phiên tòa], bao gồm các đương sự, nạn nhân và nhân chứng không nói Tiếng Anh như là ngôn ngữ chính của họ và là những người bị hạn chế khả năng nghe, nói, đọc, viết hoặc hiểu Tiếng Anh. Nếu quý vị tin rằng quý vị chưa được cung cấp dịch vụ hỗ trợ ngôn ngữ hiệu quả ở bất kỳ thủ tục tố tụng nào của tòa án, quản chế hoặc dịch vụ khác được tòa án cung cấp, vui lòng hoàn thành đơn này và gửi lại cho:

(Địa Chỉ của Tòa Án)

Việc nộp đơn khiếu nại sẽ KHÔNG ảnh hưởng đến kết quả của bất kỳ vấn đề nào được giải quyết tại tòa án. Tòa án sẽ giải quyết các vấn đề quan ngại của quý vị trong khoảng thời gian hợp lý không quá 30 ngày sau khi nộp đơn này.

ĐƠN NÀY ĐƯỢC CUNG CẤP BẰNG CÁC NGÔN NGỮ KHÁC THEO YÊU CẦU.

VUI LÒNG ĐIỀN ĐẦY ĐỦ THÔNG TIN:

Ngày Hôm Nay: _____

Tên: _____ Họ: _____

Địa Chỉ: _____ Thành Phố/Tiểu Bang/Zip: _____ / _____ / _____

Số Điện Thoại Nhà: (_____) _____ - _____ Số Điện Thoại Di Động: (_____) _____ - _____

Địa Chỉ Email: _____

Ngôn Ngữ Chính: _____

Ngày Xảy Ra Sự Việc: _____

Quý vị gặp vấn đề gì với việc hỗ trợ ngôn ngữ?

☐ Tòa án không cung cấp thông dịch viên

☐ Thông dịch viên không thông dịch chính xác hoặc không nói ngôn ngữ của tôi

☐ Vấn đề Khác - vui lòng nêu rõ:

Mục 601 của Tiêu Đề VI, Đạo Luật Dân Quyền năm 1964, 42 U.S.C. 2000d quy định: "Không người nào ở Hoa Kỳ không được tham gia, bị từ chối quyền lợi, hoặc bị phân biệt đối xử theo bất kỳ chương trình hoặc hoạt động nào nhận hỗ trợ tài chính từ liên bang trên cơ sở chủng tộc, màu da hoặc nguồn gốc quốc gia."

Complaint Form - Chinese

(法庭名称)

对法庭所提供其他语言(非英语)翻译服务不满意投诉表格

法庭有必须为当事人,受害者和证人等不说英语为第一语言的民众,或者在阅读,口讲,书写或理解英语能力有限的民众,提供免费翻译服务.如果你认为你在任何法庭事务或缓刑诉讼过程中,未曾接受到有效的语言协助,请填写此投诉表格并提交(下面法庭地址):

(法庭地址)

提交此投诉表格,于任何正在法庭处理的事务,对其结果不具任何影响
法庭将于此表格提交后一段合理的时间,但不会超过 30 天,处理你的顾虑

此表格可按要求于其他语言提供

请填好:

今天日期: _____

名: _____

姓: _____

地址: _____

城市/州/邮编 _____ / _____ / _____

住宅电话号码: (_____) _____ - _____

移动电话号码: (_____) _____ - _____

电子邮件: _____

第一语言: _____

事故日期: _____

你遇到了些什么有关语言辅助的问题?

☐ 法庭没有提供翻译员

☐ 翻译员的翻译不正确或不说我的语言

☐ 其他- 请说明:

1964 年的民权法案,第六章第 601 段 42 U. S. C. 2000d 规定,“在美国,没有人可以基于种族,肤色或原有国籍的理由,在联邦政府经济支援的项目或活动中,被排除参与,或被拒绝接受得到福利,或于活动中受到歧视。”

Complaint Form - Arabic

(اسم المحكمة)

الوصول إلى خدمات اللغة لدى المحكمة نموذج الشكوى

قد يطلب من المحكمة توفير المترجمين الفوريين دون أية تكلفة لمستخدمي خدمات المحكمة ، بما في ذلك المتقاضين والضحايا والشهود الذين لا يتكلمون اللغة الإنجليزية كلفة أساسية ، والذين لديهم قدرة محدودة على القراءة أو التحدث أو الكتابة أو فهم اللغة الإنجليزية . إذا كنت تعتقد أنك لم تلقى مساعدة لغوية فعالة لأية إجراء ات المحكمة أو إجراء ات المراقبة أو خدمة أخرى تقدمها المحكمة ، يرجى ملء هذا النموذج وإعادته إلى :

(عنوان المحكمة)

وتقديم شكوى لن يؤثر على نتائج أية مسألة لدى المحكمة .
فإن المحكمة تعالج المخاوف الخاصة بك في غضون فترة زمنية معقولة لا تتجاوز ثلاثين يوما بعد تقديم هذا النموذج :
هذا النموذج متوفر في لغات أخرى عند الطلب

يرجى الاكمل :

تاريخ اليوم : _____

اسم العائلة : _____ الاسم الأول : _____

العنوان : _____ المدينة / الدولة / الرمز البريدي : _____ / _____ / _____

الهاتف المحمول : (_____) - _____ هاتف المنزل : (_____) - _____

عنوان البريد الإلكتروني : _____

اللغة الأساسية : _____

تاريخ الحادث : _____

ما هي المشكلة التي واجهتها بمساعدة اللغة ؟

☐ المحكمة لم توفر مترجم

☐ لم يترجم المترجم بشكل صحيح أو لم يتكلم لغتي

☐ غيره - يرجى الوصف
